

DISABILITIES ADVISORY COUNCIL MEETING

MINUTES

October 12, 2005

Members Present:	Jesse Chapman, Eric Clark, Maureen Hollowell, Van Johnson, Julie Palmer, Cheri Stierer, Dave Wilber
Members Absent:	Mike Savory, Ed Senft, Elaine Senft, Ed Ziegler
Guest Present:	Sherry Jones
Staff Present:	Sherry Confer, Tracy Manley, Lisa Shehi
Welcome/Introductions/ Public Comment:	<p>Van Johnson, Vice Chair, called the meeting to order at 10:10 and welcomed Council members, guests, and staff and asked that each one introduce themselves.</p> <p>Ms. Jones stated that she is visiting to learn more about what the role of the Councils are in VOPA. She expressed a potential interest in participating on either the Disabilities Advisory Council or the Protection and Advocacy for Individuals with Mental Illness Council. Ms. Confer offered to provide Ms. Jones with an interest questionnaire.</p>
Legal Rights Training: Courthouse Accessibility and the ADA	Steven Traubert, Staff Attorney with the Virginia Office for Protection and Advocacy, discussed courthouse accessibility under the Americans with Disabilities Act (ADA). Specifically, Mr. Traubert shared the Tennessee vs. Lane case in which Title II of the ADA was challenged by a taxpayer who was unable to access a courthouse. Mr. Traubert noted that VOPA is developing a plan to proceed with courthouse monitoring projects throughout the Commonwealth.
Approval of July 27, 2005 Meeting Minutes:	Dave Wilber, Council Chair, asked Council members for any changes to the prior meeting's minutes. Mr. Wilber made a recommendation for Public Comments to reflect that Mr. Mahone was introduced to Resource Advocacy Unit staff for more assistance. Van Johnson made a MOTION to include that recommendation within the minutes. Julie Palmer seconded the MOTION and it was approved by unanimous vote. With no further changes, Van Johnson made a MOTION to accept the minutes as amended. Julie Palmer seconded the MOTION and it was approved by unanimous vote.
Board of Directors Update:	<p>Maureen Hollowell, Board Chair, noted that the Board approved the Objectives for FY 2006 at the September 20 meeting. She offered appreciation to the Council members for their feedback in preparing the Goals, Focus Areas, and Objectives.</p> <p>Ms. Hollowell reminded Council members that Virginia statute provides for an ombudsman program at VOPA. Ms. Hollowell</p>

explained that the work done in the ombudsman program would be significantly different than other work VOPA does and that, in the past, VOPA has not had the resources or the structure in place for this program. Previously, although VOPA has attempted to request funding for this, this component of the statute's implementation has been delayed. In order to develop this program, the Ombudsman Committee of the VOPA Board recommended and the Board approved narrowing the focus to a pilot program for early intervention services. VOPA has submitted a budget request to the Department of Planning and Budget to be included in Governor Warner's budget. Should the request not be included in this budget proposal, other steps to request funding through the legislature may need to take place. Ms. Hollowell reminded Council members that VOPA staff are not permitted to lobby legislators.

Ms. Hollowell shared that the Board has discussed the development of a strategic plan and has come to the conclusion that it will not be pursued at this time but may be revisited in the future.

Ms. Hollowell shared that the committee structure of the Board has changed. Ms. Hollowell noted that the committees are seeking representation by Council members. In addition to the Executive and the Nominating Committees, the current committees include:

- Internal Policy, chaired by Susan Kalanges
- Public Policy, chaired by Ray Burmester
- Finance and Resource, chaired by Michael Cooper
- Priorities and Public Awareness, chaired by Elizabeth Prialux

Ms. Hollowell requested that Mr. Wilber note which Council members would be interested in participating on the respective committees and report to the Board at the January 20, 2006 meeting. Mr. Wilber added that the chairpersons of the committees are very involved and that the input of Council members is valued. Julie Palmer agreed to participate on the Board's Internal Policy Committee; Van Johnson elected to join the Priorities and Public Awareness Committee. Dave Wilber will serve on the Public Policy Committee. Jesse Chapman had previously volunteered to serve on the VOPA Spanish Outreach Committee.

Executive Director's Update

- **4th Quarter Progress for FY 2005 Goals and Focus Areas**

Sherry Confer shared that, in addition to the information in the Progress on Priorities report included in the Council packet, Mr. Traubert has represented a child who had been allowed to enroll in a school district different from that in which they live because of the parent's employment at the school. When the school was asked for special education services, the school responded that the child would not be allowed to attend that school. Mr. Traubert has addressed the matter with the school and negotiations are continuing.

- **Litigation Report**

Ms. Confer noted that a case noted in the Litigation Report – *VOPA vs. Oyster Point* – involves a school using the new Therapeutic Options (TOVA) behavioral management technique the Department

of Mental Health, Mental Retardation and Substance Abuse Services has implemented in place of Mandt technique. Additionally, in the case of BM vs. DMAS, a child with significant cerebral palsy and was sleeping in a bean bag because that was the only way she had any type of relief from pain. The family requested a special bed through the Medicaid waiver which was denied. VOPA has been successful in obtaining the bed for the individual. In an Assistive Technology case, CP vs. DMAS, a child needed a specialized bicycle to maintain muscle tone. The bicycle was requested through a Medicaid waiver and was denied. VOPA is still involved in that case, seeking systemic changes.

- **Financial report**

Financial Reports were provided for review. Ms. Confer noted that the VOPA budget continues to be on target including carryover money. Ms. Confer explained that VOPA did exhaust all funds from the Protection and Advocacy for Beneficiaries of Social Security (PABSS) grant but that no cases were closed to VOPA due to the lack of funding. Ms. Confer also shared that VOPA has received a competitive grant in the amount of \$100,000 from the Department of Housing and Urban Development (HUD). The focus of this grant will be to provide education and outreach for persons with disabilities and other protected populations about federal fair housing law. VOPA received strong support, including technology services and support, from other state agencies and advocacy organizations. Additionally, VOPA will be piloting sessions with the Spanish speaking community

Working Lunch:

Mr. Wilber presented Cheri Steirer a plaque in appreciation for her service on the Council and noted that her term has expired.

DAC Annual Report:

Prior to the meeting, Ms. Confer provided Council members with a draft Annual Report to be submitted to the Board. Ms. Confer requested comments from Council members on each of the Goals identified by VOPA during the 2005 fiscal year. Ms. Confer will incorporate these comments into the report and provide to the Council members for review. Upon review by the Council, Mr. Wilber will present the Report to the Board.

Membership:

Ms. Confer reminded Council members that attendance at Council meetings is expected and that she had addressed that issue through correspondence with Mike Savory and Ed Ziegler. Mr. Ziegler had requested a leave of absence from the Council which continues to be recognized. Ms. Confer noted that Mr. Savory has not responded to the letter and has not attended the number of meetings required under the by-laws. Van Johnson made a MOTION that Mr. Wilber recommend to the Board Chair the removal of Mr. Savory from the Council. Jesse Chapman seconded the MOTION and it was approved by unanimous vote.

Ms. Confer noted that the various funding programs require identification of Council membership by varying demographic factors. She distributed a matrix which identified members and asked for any corrections. Mr. Wilber noted that geographically the western part of Virginia is not represented on the Council.

Additionally, the Council lacks representation in the physical and sensory disabilities and Spanish-speaking communities. Ms. Confer suggested that a possible agenda item at the following Council meeting would be to discuss recruitment strategies.

Ms. Confer distributed a draft policy regarding council appointments. It is the goal of the Internal Policy Committee to develop a policy in which the appointment of Council members would become more methodical, including Council officers in the screening process. Ms. Confer noted that the policy will be refined at the next Internal Policy Committee meeting and it will be presented to the Board for approval.

Other Business:

- **Meeting Dates**

The Council set the following dates for the 2006 Meetings:

- January 11, 2006 (Richmond)
- April 12, 2006 (Charlottesville – a joint meeting with the Protection and Advocacy for Individuals with Mental Illness Advisory Council was suggested which may result in a change of this date)
- July 12, 2006 (Richmond)
- September 13, 2006 (Richmond)

- **Travel Voucher
Reminder**

Lisa Shehi reminded Council members to submit their Travel Vouchers at the end of the meeting.

Adjournment:

There being no further business, Julie Palmer made a MOTION to adjourn the meeting. Van Johnson seconded the MOTION and it was approved by unanimous vote. The meeting adjourned at 2:03 p.m.

MINUTES

January 11, 2006